

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Boston Division)

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

STEVEN E. NOTHERN,

Defendant.

Civil Action No. 05-10983 (NMG)

ORAL ARGUMENT REQUESTED

**DEFENDANT STEVEN NOTHERN'S MOTION FOR AN
ORDER DIRECTING THE GOVERNMENT TO SHOW CAUSE**

Pursuant to Federal Rules of Civil Procedure 37 and 41, the Due Process Clause of the Fifth Amendment to the United States Constitution, and the inherent authority of this Court, defendant Steven E. Nothorn respectfully moves for an order directing the government to show cause why its action should not be dismissed in response to its refusal to allow depositions of Department of Treasury employees with information relevant to the claims and defenses therein.

In support of this motion, Nothorn relies on a supporting memorandum of law and Declaration of Robert E. Toone filed herewith, as well as the memoranda and declarations previously filed (Docket Doc. ## 30, 31, 36, 37, & 45) with respect to his motion to compel documents held by the government (Docket Doc. # 44).

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Steven E. Nothern hereby requests the Court to schedule an oral argument in connection with his motion.

STEVEN E. NOTHERN

By his attorneys,

/s/ John A. Shope
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John A. Shope, BBO #562056
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CERTIFICATION PURSUANT TO LOCAL RULES 7.1(a)(2) AND 37.1

I, John A. Shope, hereby certify that on November 8, 2006, counsel for the defendant conferred with counsel for the SEC and attempted in good faith to resolve or narrow the issues raised in the motion, but were unable to do so. In addition, the parties' related correspondence is attached as Exhibits K, L, & M to the Declaration of Robert E. Toone filed herewith.

/s/ John A. Shope

Dated: November 17, 2006